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CLERK, U.S. DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

DEPUTY Y

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

January 2007 Grand Jury

08 CR 0854 LAB

UNITED STATES OF AMERICA,

Plaintiff,

v.

RODNEY PARKER (1),
ANGELA WITTMER (2),

Defendants.

Criminal Case No. _____

I N D I C T M E N T

Title 18, U.S.C., Sec. 371 -
Conspiracy to Make False Statement
in the Attempted Acquisition of
a Firearm; Title 18, U.S.C.,
Secs. 922(a)(6) and 924(a)(2) -
False Statement in the Attempted
Acquisition of Firearms; Title 18,
U.S.C., Secs. 922(g)(1) and
924(a)(2) - Felon in Possession of
Firearms and Ammunition; Title 21,
U.S.C., Sec. 841(a)(1) -
Possession of Marijuana with
Intent to Distribute; Title 18,
U.S.C., Sec. 924(d) - Criminal
Forfeiture

The grand jury charges:

INTRODUCTORY ALLEGATIONS

At all relevant times herein:

1. Defendant RODNEY PARKER was previously convicted in a court, that is, the Municipal Court of California, County of San Diego, of a crime punishable by imprisonment for a term exceeding one year, that is, on or about September 9, 1997, of Inflict Corporal Injury on a Spouse or Cohabitant, in violation of California Penal Code Section 273.5(A).

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JDM:nlv(3):San Diego
3/20/08

1 2. As a convicted felon, defendant RODNEY PARKER was prohibited
2 from possessing or receiving any firearm or ammunition affecting in
3 interstate commerce.

4 Count 1

5 Beginning at a date unknown to the Grand Jury and continuing up
6 to and including February 16, 2008, within the Southern District of
7 California, defendants RODNEY PARKER and ANGELA WITTMER did knowingly
8 and intentionally conspire and agree, in connection with the attempted
9 acquisition of a firearm from a licensed federal firearm dealer, to
10 knowingly make to said dealer a false and fictitious written statement
11 which was intended and likely to deceive such dealer, with respect to
12 a fact material to the lawfulness of the sale and disposition of said
13 firearm under the provisions of Title 18, United States Code,
14 Chapter 44.

15 **OVERT ACTS**

16 In furtherance of the conspiracy and to effect its objects, the
17 following overt acts, among others, were committed within the Southern
18 District of California, and elsewhere.

19 All in violation of Title 18, United States Code, Section 371.

20 1. On or about February 16, 2008, in San Diego County,
21 defendants RODNEY PARKER and ANGELA WITTMER drove, in
22 defendant PARKER's car, to the Del Mar Gun Show in Del Mar,
23 California.

24 2. On or about February 16, 2008, at the Del Mar Gun Show in
25 Del Mar, California, in connection with the attempted
26 purchase of a Smith and Wesson, Model MP9, nine millimeter
27 pistol, serial number MPN7558 (the 9mm pistol), from
28 Gussler's, a licensed federal firearms dealer, defendant

1 ANGELA WITTMER falsely stated in a Firearms Transaction
2 Record (i.e., Department of Treasury Form 4473) that she
3 was the actual buyer of the pistol and was not buying the
4 9mm pistol on behalf of another person.

5 3. On or about February 16, 2008, at the Del Mar Gun Show in
6 Del Mar, California, in connection with the attempted
7 purchase of the 9mm pistol from Gussler's, defendant ANGELA
8 WITTMER falsely stated in the Department of Treasury Form
9 4473 that she was not an unlawful user of, or addicted to,
10 a stimulant or any controlled substance.

11 All in violation of Title 18, United States Code, Section 371.

12 Count 2

13 On or about February 16, 2008, within the Southern District of
14 California, defendant ANGELA WITTMER, in connection with the attempted
15 acquisition of a firearm, to wit: a Smith and Wesson, Model MP9, nine
16 millimeter pistol, serial number MPN7558, from a Gussler's, a licensed
17 federal firearms dealer, did knowingly make to said dealer, a false
18 and fictitious written statement which was intended and likely to
19 deceive such dealer, with respect to a fact material to the lawfulness
20 of the sale and disposition of said firearm to defendant under
21 Chapter 44, Title 18, in that, the defendant falsely stated on
22 Department of Treasury Form 4472, signed by the defendant, that she
23 was the actual buyer of said firearm and was not acquiring the firearm
24 on behalf of another person and that she was not an unlawful user of,
25 or addicted to, any stimulant or other controlled substance, whereas
26 in truth and fact, as the defendant then well knew, she was acquiring

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1 the firearm on behalf of another person and she was a user of, and
2 addicted to, methamphetamine (a controlled substance); in violation
3 of Title 18, United States Code, Sections 922(a)(6) and 924(a)(2).

4 Count 3

5 On or about February 16, 2008, within the Southern District of
6 California, defendant RODNEY PARKER, being a person who had previously
7 been convicted in a court, that is, the Municipal Court of California,
8 County of San Diego, of a crime punishable by imprisonment for a term
9 exceeding one year, that is, on or about September 9, 1997, of Inflict
10 Corporal Injury on a Spouse of Cohabitant, in violation of California
11 Penal Code Section 273.5(A), did knowingly and unlawfully possess in
12 and affecting commerce two firearms and ammunition, that is, a loaded
13 Ruger .45 caliber revolver, serial number 47-25948, a loaded FIE
14 .25 caliber pistol, serial number A803525, and a box of .32 caliber
15 ammunition; all in violation of Title 18, United States Code,
16 Sections 922(g)(1) and 924(a)(2).

17 Count 4

18 On or about February 17, 2008, within the Southern District of
19 California, defendant RODNEY PARKER, being a person who had previously
20 been convicted in a court, that is, the Municipal Court of California,
21 County of San Diego, of a crime punishable by imprisonment for a term
22 exceeding one year, that is, on or about September 9, 1997, of Inflict
23 Corporal Injury on a Spouse of Cohabitant, in violation of California
24 Penal Code Section 273.5(A), did knowingly and unlawfully possess
25 .25 caliber ammunition at his home at 6847 Springfield Street,
26 San Diego, California; in violation of Title 18, United States Code,
27 Sections 922(g)(1) and 924(a)(2).

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Count 5

On or about February 17, 2008, within the Southern District of California, defendant RODNEY PARKER did knowingly and intentionally possess, with intent to distribute approximately 1,168 grams of marijuana, a Schedule I Controlled Substance; in violation of Title 21, United States Code, Section 841(a)(1).

FORFEITURE ALLEGATION

Upon conviction of one or more of the offenses alleged in this indictment, defendants RODNEY PARKER and ANGELA WITTMER shall forfeit to the United States, pursuant to Title 18, United States Code, Section 924(d), and Title 28, United States Code, Section 2461(c), all firearms and ammunition involved in the commission of one or more of the offenses including, but not limited to the following:

- a) a loaded Ruger .45 caliber revolver,
- b) a loaded FIE .25 caliber pistol,
- c) a box of .32 caliber ammunition, and
- d) a box of .25 caliber ammunition.

If any of the above-described forfeitable property, as a result of any act or omission of the defendant:

- (a) cannot be located upon the exercise of due diligence;
- (b) has been transferred or sold to, or deposited with, a third party;
- (c) has been placed beyond the jurisdiction of the court;
- (d) has been substantially diminished in value; or

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1 (e) has been commingled with other property which cannot be
2 divided without difficulty; it is the intent of the United States,
3 pursuant to Title 21, United States Code, Section 853(p) as
4 incorporated by Title 28, United States Code, Section 2461(c), to seek
5 forfeiture of any other property of said defendant up to the value of
6 the forfeitable property described above, including but not limited
7 to the following: a loaded Ruger .45 caliber revolver, a loaded FIE
8 .25 caliber pistol, and a box of .32 caliber ammunition.
9 All pursuant to Title 18, United States Code, Section 924(d).

10 DATED: March 20, 2008.

11 A TRUE BILL:

12
13 Thomas R. Lyon
14 Foreperson

15 KAREN P. HEWITT
16 United States Attorney

17 By: J. Moore
18 JEFFREY D. MOORE
19 Assistant U.S. Attorney
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